

CITY COUNCIL  
CITY OF WICHITA  
KANSAS

City Council Meeting  
9:00 A.M., March 1, 2005

City Council Chambers  
455 North Main

ORDER OF BUSINESS

- Call to Order
  - Invocation
  - Pledge of Allegiance
  - Approve the minutes of the February 15, 2005 meeting
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AWARDS AND PROCLAMATIONS

- Proclamations
  - Recognition of Conservationist of the Year.
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PUBLIC AGENDA

1. Lloyd Oakley-Resolve to enact a policy of free admission to any City funded or aided venue for care giving persons pushing handicapped people in wheelchairs.
  2. King David Davis-What goes around comes around.
  3. William A. Draper, Jr.- City Code Section 11.52.020 (22), Exceptions for any person or operator to park a motor vehicle on any street or alley in the City for the primary purpose of displaying it for sale.
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CONSENT AGENDA

4. Report of the Board of Bids and Contracts Dated February 28, 2005.

RECOMMENDED ACTION: Receive and file report; approve Contracts;  
authorize necessary signatures.

5. Applications for Licenses to Retail Cereal Malt Beverages:

<u>Renewal</u>	<u>2005</u>	<u>(Consumption on Premises)</u>
Arounh Sengseezong	Vang Kok Thai Restaurant*	2020 South Rock Road

<u>Renewal</u>	<u>2005</u>	<u>(Consumption off Premises)</u>
Jayestha Patel	Shiva LLC	1826 West 13 <sup>th</sup>
Jayestha Patel	Shiva LLC	223 East 21 <sup>st</sup> Street
Edward J. Roitz	Fleming Convenience 536	348 South Hillside
James Giebler	Dillon Store #12	9450 East Harry
James Giebler	Dillon Store #16	8828 North 13 <sup>th</sup> Street North
James Giebler	Dillon Store #21	5500 East Harry
James Giebler	Dillon Store #26	1227 South Hydraulic
James Giebler	Dillon Store #30	2525 West Douglas
James Giebler	Dillon Store #31	1640 South Broadway
James Giebler	Dillon Store #33	4747 South Broadway
James Giebler	Dillon Store #34	3932 West 13 <sup>th</sup> Street
James Giebler	Dillon Store #35	6297 East 13 <sup>th</sup> Street North
James Giebler	Dillon Store #42	4801 East Central
James Giebler	Dillon Store #49	10222 West 21 <sup>st</sup> Street North
James Giebler	Dillon Store #249	2242 North Maize Road
James Giebler	Dillon Store #56	3707 North Woodlawn
James Giebler	Dillon Store #62	1435 North Waco
James Giebler	Dillon Store #65	3211 South Seneca
James Giebler	Dillon Store #66	2244 North Rock Road
James Giebler	Dillon Store #72	10515 West Central

<u>New Operator</u>	<u>2005</u>	<u>(Consumption off Premises)</u>
Sohail Moiz	Hazman Inc.	8008 East 21 <sup>st</sup> Street
Sohail Moiz	H Jay Inc.	3810 Woodlawn

<u>New Operator</u>	<u>2005</u>	<u>(Consumption on Premises)</u>
Kay W. Snibley	Krazy Kaz*	3407 East Douglas

\*General/Restaurant - 50% or more of gross receipts derived from sale of food.

RECOMMENDED ACTION: Approve licenses subject to Staff review and approval.

6. Preliminary Estimates:

- a) 43rd Street Circle for a new street on the east side of Webb Road on 43rd Street North to serve Sand Plum Addition - south of 45th Street North, west of Webb. (472-84027/765896/490009) Does not affect existing traffic. (District II) - \$235,000
- b) 2005 wheelchair ramp and sidewalk, Phase 1 - various locations north of 47th Street South, west of Seneca. (472-84142/706915/205381) Traffic to be maintained during construction using flagpersons and barricades. (Districts IV, V, VI) - \$200,000
- c) Storm Water Drain #242 to serve The Waterfront 4th Addition - north of 13th Street North, east of Webb. (468-83920/751384/485275) Does not affect existing traffic. (District II) - \$90,000
- d) Den Hollow from the south line of Lot 48, Block 4 to the west line of Lot 60, Block 4; Den Hollow Court from the west line of Den Hollow to and including the cul-de-sac serving Lots 50 through 53, Block 4; Den Hollow Court from the south line of Den Hollow to and including the cul-de-sac serving Lots 55 through 59, Block 4; Den Hollow Circle from the west line of Lot 60, Block 4 to and including the cul-de-sac serving Lots 60 through 67, Block 4 to serve Fox Ridge Addition - north of 29th Street North, west of Tyler. (472-83790/765916/490029) Does not affect existing traffic. (District V) - \$258,000
- e) Waddington Court on the east side of Waddington to serve Four H Addition - north of Central, west of Tyler. (472-82312/765923/490036) Does not affect existing traffic. (District V) - \$83,000
- f) Lateral 132 Westlink Sewer to serve Four H Addition - north of Central, west of Tyler. (468-83761/744102/480790) Does not affect existing traffic. (District V) - \$61,000
- g) Water distribution system to serve Four H Addition - north of Central, west of Tyler. (448-88695/735236/470907) Does not affect existing traffic. (District V) - \$43,000

RECOMMENDED ACTION: Approve and file.

7. Petitions for Public Improvements:

- a) Paving, sanitary sewer and water distribution system Improvements to serve Auburn Hills 15<sup>th</sup> Addition, west of 135<sup>th</sup> Street West, north of Kellogg. (District V)
- b) Paving, sanitary sewer and water distribution system improvements to serve Hawthorne Second and Third Additions, north of 21<sup>st</sup> Street, east of 127<sup>th</sup> Street East. (District II)
- c) Paving and water distribution system improvements to serve New Life Christian Church Addition, south of Central, east of Greenwich. (District II)
- d) Pave University from Ridge to 200 feet east of Ridge. (District V)
- e) Construct a water distribution system for Fontana Addition, north of 29<sup>th</sup> Street North, east of 119<sup>th</sup> St. West. (District V)
- f) Construct a sanitary sewer to serve an unplatted tract located west of Hoover, north of 8<sup>th</sup> Street. (District VI)

RECOMMENDED ACTION: Approve Petitions; adopt Resolutions.

8. Minutes of Advisory Boards/Commissions:

Wichita Public Building Commission, June 30, 2004  
District VI Advisory Board, July 12, 2004  
District VI Advisory Board, August 2, 2004  
District VI Advisory Board, September 13, 2004  
District VI Advisory Board, October 4, 2004  
District VI Advisory Board, October 20, 2004  
District VI Advisory Board, November 1, 2004  
Housing Advisory Board, November 16, 2004  
Wichita Employees Retirement Board/Police & Fire Retirement Board, Joint Investment Committee,  
December 2, 2004  
Wichita Airport Advisory Board, December 6, 2004  
Board of Park Commissioners, December 13, 2004  
Wichita Employees Retirement System Board, December 15, 2004  
Wichita Public Library Board, December 21, 2004  
Wichita Public Library Report, December 2004  
Wichita Public Library Board, January 18, 2005

RECOMMENDED ACTION: Receive and file.

9. Consideration of Street Closures/Uses.

RECOMMENDED ACTION: Approve street closures/uses.

10. Quarterly Financial Report for the Period Ended December 31, 2004.

RECOMMENDED ACTION: Receive and file.

11. Senior Management Travel Expenses.

RECOMMENDED ACTION: Receive and file.

12. Agreements/Contracts:

- a) Water Treatment Pilot Study.
- b) 21<sup>st</sup> Street, Oliver to Woodlawn. (District I) – supplemental.
- c) In-Patient and Out-Patient Drug Treatment for Drug Court.
- d) Construction engineering in Fox Ridge Addition, north of 29<sup>th</sup> Street, between Maize and Tyler.  
(District V)

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize  
necessary signatures.

13. Design Services Agreement: Angel Fire Addition, north of 47<sup>th</sup> Street South, east of West Street. (District IV)

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize necessary signatures.

14. Change Order: Rock Road Improvement, between 21<sup>st</sup> Street and 29<sup>th</sup> Street. (District II)

RECOMMENDED ACTION: Approve the Change Orders and authorize the necessary signatures.

15. Property Acquisitions:

- a) 605 South Pinecrest for the Dry Creek Basin Property Acquisition Project. (District III)
- b) 1945 South Bluff for the Dry Creek Basin Property Acquisition Project. (District III)

RECOMMENDED ACTION: Approve budgets and Contracts; authorize necessary signatures.

16. Sanitary Sewer Master Plan Update for 2005.

RECOMMENDED ACTION: Approve the project expenditures; adopt the Resolution and authorize the necessary signatures.

17. Skate Park. (District I)

RECOMMENDED ACTION: Approve the grant.

18. HUD Economic Development Initiative Grant Veteran's Park. (District VI)

RECOMMENDED ACTION: Approve the grant application and authorize the necessary signatures for the grant application and the grant award.

19. Redemption of Industrial Revenue Bonds, Park West Plaza, L.L.C. (District V)

RECOMMENDED ACTION: Approve/ratify the notice to the Trustee and the call; adopt the Resolution and authorize the necessary signatures.

20. 2006 Federal Legislative Priorities.

RECOMMENDED ACTIONS: Approve the 2006 Federal Legislative priorities

21. Second Reading Ordinances: (First read February 15, 2005)

- a) Acquisition by eminent domain of tracts required for the East Kellogg/Rock Road Improvement Project. (District II)

An Ordinance providing for the acquisition by eminent domain of certain private property, easements and right-of-way therein, for the purpose of acquiring real property for the construction and widening of Kellogg Avenue in the City of Wichita, Sedgwick County, Kansas; designating the lands required for such purposes and directing the city attorney to file a petition in the District Court of Sedgwick County, Kansas, for acquisition of the lands and easements therein taken and providing for payment of the cost thereof.

- b) Tax exemption request, Wichita Coffee Roasterie, Inc. (District IV)

An Ordinance exempting property from Ad Valorem taxation for economic development purposes pursuant to Article 11, Section 13, of the Kansas Constitution; providing the terms and conditions for Ad Valorem Tax Exemption; and describing the property of Wichita Coffee Roasterie, Inc., so exempted.

- c) Impounding vehicles, emergency wrecker service procedures and private, towing regulations.

Ordinance Amendments Sections 11.52.020, relating to impounding of vehicles; and Sections 3.49.030, 3.49.040, 3.49.070, 3.49.130, 3.49.140 and 3.49.170 regarding Emergency Wrecker Service Procedures. An ordinance creating Sections 11.99.010, 11.99.020, 11.99.030, 11.99.040 and 11.99.050 pertaining to private towing regulations.

- d) ZON2004-00066 -generally located northwest of Oliver and Washington Blvd. (District III)

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. (ZON 2004-00066)

- e) ZON2004-00063 - generally located south of Lincoln and east of Webb Road. (District II)

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. (ZON 2004-00063)

- f) ZON2004-00064 - generally located at the northwest corner of Douglas and Ridge Road. (District V)

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. (ZON 2004-00064)

(Item 21 continued)

- g) ZON2004-00065 - between Hillside Avenue and Lorraine Street, approximately 305-feet south of Central Avenue. (District I)

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. (ZON 2004-00065)

RECOMMENDED ACTION: Adopt Ordinances.

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#### UNFINISHED BUSINESS

22. Repair or Removal of Unsafe Structures, 1615 West Maple. (District IV)  
(New Business, February 1, 2005)

This case was before Council for a hearing on February 21, 2005. No one appeared to represent the property and Council adopted a resolution to proceed with demolition.

RECOMMENDED ACTION: Allow the owner 10 days to pay all delinquent taxes and special assessments, and if done, additional time up to 60 days to complete the exterior repairs to the structure (depending on the action plan and testimony presented by the property owner during the rehearing).

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#### NEW BUSINESS

23. Appeal from an order of the Chief of Police to deny a private merchant police agency license to Event Services Management, Inc., pursuant to 3.72.290(8) of the City Code.

Section 3.72.290(8) of the City Code provides that the Chief of Police may deny a private merchant police license to an applicant after a hearing unless the applicant can make a showing that the applicant, or if any an agency, that each of its officers, directors, partners or associates has not committed certain acts that are set forth in the code.

RECOMMENDED ACTION: Conduct a hearing on the applicant's appeal and issue an order either upholding or overturning the same.

24. Appeal from an order of the Chief of Police to reclassify Local Liquor License of Club XS at 2313 South Seneca. (District IV)

City ordinance defines a drinking establishment/restaurant (DER) as a business that is open to the general public, sells liquor by the individual drink and meets one of the following requirements: The business shall derive not less than 50% of its gross revenues from sales of food and beverages for consumption on such premises in a six-month period; or such business shall derive not less than 30% of its gross revenues from sales of food and beverages for consumption on such premises in a six-month period and shall have not less than 70% of the public assembly area of the licensed premises devoted to designated seating for the service of food for consumption on the licensed premises.

RECOMMENDED ACTION: Conduct a hearing of the licensee's appeal and issued an order either upholding or overturning the same.

25. Tax Exemption Request, Wichita Coffee Roasterie, Inc. (District IV)

On February 15, 2005, City Council approved a tax exemption for Wichita Coffee Roasterie, Inc., that included construction of building improvements and purchase of new manufacturing equipment. Under previous notification from Kansas Board of Tax Appeals, ("BOTA"), the Board requires that exempt periods provided for leased and non-leased property be the same.

RECOMMENDED ACTION: Approve second reading of the amended Ordinance and approve the proposed payment-in-lieu-of-tax agreement.

26. Aviation Training Center Project.

Since 2001, the City of Wichita has participated in the Kansas Technical Training Initiative (KTTI), along with Sedgwick County, the State of Kansas, U.S.D. 259, Boeing Wichita, Bombardier Aerospace, Cessna Aircraft and Raytheon Aircraft. The mission of KTTI has been to address the critical need for highly-skilled technicians in various industrial and service clusters, with initial emphasis on the aviation cluster.

RECOMMENDED ACTION: Adopt the resolution authorizing conceptual Design of the proposed aviation training facility, To be constructed at Jabara Airport and authorize Selection of a design consultant.

27. Public Hearing on Proposed Assessments for Twenty-one (21) Paving Projects in July 2005 Bond Sales Series 782. (Districts II, IV, V, VI)

The Council was notified on February 1, 2005 that the proposed assessments rolls were on file for public inspection in the Department of Finance.

RECOMMENDED ACTION: Close the public hearing; approve the proposed assessments and place the ordinance on first reading.



28. Petition to pave Fairview, north of 30<sup>th</sup> Street North. (District VI)

On August 2, 2004, District VI Advisory Board considered a Petition for paving Fairview north of 30<sup>th</sup> Street North. The Petition signer has submitted a new Petition with a modified improvement district. The Board voted 8 to 0 to recommend approval of the petition.

RECOMMENDED ACTION: Approve the Petition and adopt the resolution.

29. Meridian Improvement, between 31<sup>st</sup> Street South and Pawnee. (District IV)

The 2004-2013 Capital Improvement Program adopted by the City Council includes a project to improve Meridian, between 31<sup>st</sup> Street South and Pawnee. The Board voted 8-0 to recommend approval of the project.

RECOMMENDED ACTION: Approve the project, place the Ordinance on first reading and authorize the signing of State/Federal agreements as required.

30. Oliver Street bridge at Gypsum Creek Improvement. (District III)

The 2004-2013 Capital Improvement Program adopted by the City Council includes a project to improve the Oliver Street Bridge at Gypsum Creek. The Board voted 8 to 0 to recommend approval of the project.

RECOMMENDED ACTION: Approve the project, place the ordinance on first reading and authorize the signing of State/Federal agreements as required.

31. Metropolitan Area Planning Boundary and Membership Agreement.

The Metropolitan Planning Area Boundary and Membership Agreement is an agreement between the Kansas Department of Transportation, the City of Wichita, and Sedgwick County to expand the planning boundary and provide for expanded representation on the Metropolitan Planning Organization's Policy Body.

RECOMMENDED ACTION: Approve the Metropolitan Planning Area Boundary as to form and content.

32. Community Events.

The City has operated for many years using an established practice to assist citizens who request use of public property for a "special event." The process includes uses of procedure guidelines and city code information through an application process.

RECOMMENDED ACTION: Place the ordinance on first reading.

33. Contract Renewal: Convention & Visitors Bureau.

The Contract for the current fiscal year was negotiated with staff and representatives from the Greater Wichita Convention and Visitors Bureau. This year, a special effort to develop goals that were more relevant and measurable within the contract was established.

RECOMMENDED ACTION: Approve the Contract with the Convention and Tourism Bureau and authorize the necessary signatures.

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PLANNING AGENDA

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

\* Consent Items

34. DR2004-00009-Adoption of Proposed Rezoning for certain properties in the Midtown Neighborhood. Generally located south of 18<sup>th</sup> Street, west of Santa Fe, north of Murdock, and east of the Little Arkansas River.  
(District VI)

RECOMMENDED ACTION: 1. Concur with the findings of the MAPC and adopt the ordinance approving the Midtown neighborhood rezoning proposal.  
2. Return the proposal to the MAPC for reconsideration.

35. \*ZON2003-61-Zone Change request from GC, General Commercial District to SF-5, Single-Family Residential, located west of 135<sup>th</sup> Street West and on the north side of Kellogg. (District V)

RECOMMENDED ACTION: Place the Ordinance on first reading.

36. \*SUB2004-142-Plat of Turkey Creek Second Addition, located on the north side of Pawnee and on the west side of 119<sup>th</sup> Street West. (District IV)

RECOMMENDED ACTION: Approve the documents and plat, authorize the necessary signatures and adopt the Resolutions.

37. \*SUB2005-01-Plat of Hanneman Addition, located east of Meridian and south of 37<sup>th</sup> Street North. (District VI)

RECOMMENDED ACTION: Approve the documents and plat; authorize the necessary signatures and place the ordinance on first reading.

38. \*VAC2004-00046-Request to vacate the restriction of uses to allow construction of structures, fill, change of grade, or creation of a channel to a portion of platted floodway easement, generally located northeast of the 13<sup>th</sup> Street North-Webb Road intersection on the south side of Waterfront Parkway. (District II)

RECOMMENDED ACTION: Approve the vacation order and authorize the necessary signatures.

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### AIRPORT AGENDA

NOTICE: The City Council is meeting as the governing body of the Airport for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.  
\*Consent items

39. \*Safety Building Expansion-Change Order, Wichita Mid-Continent Airport.

RECOMMENDED ACTION: Approve the change order and authorize the necessary signatures.

40. \*Agreement-Empire Airlines, Inc.

RECOMMENDED ACTION: Approve the agreement and authorize the necessary signatures.

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### CITY COUNCIL

41. Board Appointments.

RECOMMENDED ACTION: Make the appointments.

Adjournment

\*\*\*Workshop to follow\*\*\*